

**TERMS and CONDITIONS (T&Cs) for APPLICATION for PALEONTOLOGICAL
DEVELOPMENT (APD) RESOURCES USE PERMIT**

**Supported by: Categorical Exclusion (CX), WY-070-CX13-264
Willow Creek Turtle Paleontological Excavation Permit**

Operators: BLM, Buffalo Field Office, Buffalo, WY, and Tate Geological Museum, Casper, WY

Field Office: Buffalo Field Office
Address: 1425 Fort Street
Buffalo, Wyoming 82834
Office Telephone Number: 307-684-1100

The initiation of excavation date will be reported electronically, (see email location below) to the Authorized Officer 24 HOURS BEFORE INITIATING, the excavation.

Notice Email to: dtingwall@blm.gov

LEGAL DESCRIPTION:

County	Feature	Twp	Rng	Sec	Subdivision	Acres
Johnson	Willow Creek Trionyx Specimen		- Redacted, see admin record -			
TOTAL						0.0007

SITE SPECIFIC

Please contact Douglas Tingwall, Archaeologist, at 307-684-1169, BLM, Buffalo, if there are any questions concerning the following T&Cs.

Surface:

1. Erosion control fabric used for reclamation of steep slopes will be photodegradable or biodegradable to limit the amount of debris/trash on and around location.
2. The operator will drill seed on the contour to an average depth of 0.5 inch, followed by cultipaction to compact the seedbed, preventing soil and seed losses. To maintain quality and purity, the current years tested, certified seed with a minimum germination rate of 80% and a minimum purity of 90% will be used. Use the following:

Loamy Ecological Site Seed MixSpecies	% in Mix	Lbs PLS*
<i>Western Wheatgrass</i> (Pascopyrum smithii)/or	30	3.6
<i>Thickspike Wheatgrass</i> (Elymus lanceolatus ssp. lanceolatus)		
<i>Bluebunch Wheatgrass</i> (Pseudoroegneria spicata ssp. Spicata)	10	1.2
<i>Green needlegrass</i> (Nassella viridula)	25	3.0
<i>Slender Wheatgrass</i> (Elymus trachycaulus ssp. trachycaulus)	20	2.4
<i>Prairie coneflower</i> (Ratibida columnifera)	5	0.6
<i>White or purple prairie clover</i> (Dalea candidum, purpureum)	5	0.6
<i>Rocky Mountain beeplant</i> (Cleome serrulata)	5	0.6
Totals	100%	12 lbs/acre

*PLS = pure live seed. Northern Plains adapted species. Slopes too steep for machinery may be hand broadcast and raked with twice the specified amount of seed. Complete fall seeding after September 15 and prior to prolonged ground frost. To be effective, complete spring seeding after the frost has left the ground and prior to May 15.

Wildlife:

Greater Sage-Grouse

1. No surface disturbing activities are permitted between March 15 - June 30. This condition will be implemented on an annual basis for the duration of surface disturbing activities.
 - a) If a previously unknown lek is identified during surveys (April 1-May 7), additional areas may be included in the above referenced timing restriction (March 15-June 30). The required Greater Sage-Grouse survey will be conducted by a biologist following the most current WGFD protocol. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved prior to surface disturbing activities.

Raptors

The following conditions will alleviate impacts to raptors:

1. No surface disturbing activity shall occur within 0.5 mile of all identified raptor nests from the site of the planned and actual excavation, whichever is greater, from February 1 through July 31, annually, prior to a raptor nest occupancy survey.
 - a. Survey to document nest occupancy shall be conducted by a biologist, following the most current BLM protocol, between April 15 and June 30. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved prior to surface disturbing activities. A 0.5 mile timing restriction will be applied if a nest is identified as active.
 - b. Surveys for new raptor nests shall be conducted prior to the excavation phase of the project, and seasonally thereafter in the event the excavation is extended.
2. If an undocumented raptor nest is located during the excavation, the Buffalo Field Office (307-684-1100) shall be notified within 24 hours.

STANDARD

Cultural General

1. If any non-permitted cultural values [sites, artifacts, human remains (Appendix L FEIS and ROD)] are observed during operation of this lease/permit/right-of-way, they will be left intact and the Buffalo Field Manager notified. The authorized officer will conduct an evaluation of the cultural values to establish appropriate mitigation, salvage or treatment. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized BLM officer (AO). Within five working days the AO will inform the operator as to:
 - whether the materials appear eligible for the National Register of Historic Places;
 - the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
 - a time-frame for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.
2. If other non-permitted paleontological resources, either large or conspicuous, and/or a significant scientific value are discovered during excavation, the find will be reported to the Authorized Officer immediately. Excavation will be suspended within 250 feet of said find. An evaluation of the new paleontological discovery will be made by a BLM approved professional paleontologist within 5 working days, weather permitting, to determine the appropriate action(s) to prevent the potential loss of any significant paleontological values. Operations within 250 feet of such a discovery will not be

resumed until written authorization to proceed is issued by the Authorized Officer. The applicant will bear the cost of any required paleontological appraisals, surface collection of fossils, or salvage of any large conspicuous fossils of significant scientific interest discovered during the operation.

General

1. This permit may not be assigned to any other institution, group, or individual. Any modifications to the permit must be requested in writing to the Regional Paleontologist or the Deputy State Director.
2. This permit is valid only for the period specified. The permit may be suspended for management purposes or for cause, at the discretion of the Deputy State Director. Notification of suspension shall be in writing. Field work under this permit may also be halted temporarily by either verbal or written notice from the Field Office Manager or other Authorized Officer for violations of permit terms and conditions or for administrative purposes of the BLM.
3. All terms and conditions of this permit shall remain in effect, including reporting requirements, until all permit terms and conditions have been met, regardless of permit expiration date.
4. This permit shall not be exclusive in character, and the Bureau of Land Management reserves the right to authorize other uses of the land during the tenure of this permit. Field work shall be carried out in such a manner as not to impede other legitimate uses of the public lands, except when a provision has been made by the Field Office Manager or delegated representative.
5. The Department of the Interior, including its bureaus and employees, shall be held blameless for any and all events, deeds, or mishaps, regardless of whether or not they arise from operations under this permit.
6. Other permittees may be engaged in paleontological work in the general area covered by this permit. Conflicts with respect to areas of interest under permit shall be resolved among the permittees.
7. All costs shall be borne by the permittee, including costs of curation.
8. BLM Field Office Managers and/or designated representatives shall have access to the study area during or after performance of field work, and shall have the right to inspect all materials removed.
9. Collections of paleontological materials and other material acquired from public lands under the provisions of this permit **remain the property of the United States Government** and may be recalled at any time for use by the BLM. Any recall or transfer of material will be coordinated by BLM. Public display of material collected under this permit shall cite the Bureau of Land Management, Wyoming.
10. Any stakes, flagging, or other temporary materials used to identify localities in the field shall be removed upon completion of field activity. No permanent survey monuments or markers shall be disturbed or removed during the course of field work.
11. The Bureau of Land Management, Wyoming and this permit number shall be cited in any report, publication, or paper resulting from field work under this permit. Copies of such documents shall be provided to the BLM Wyoming State Office. The Bureau of Land Management, Wyoming shall be cited in any news article, film, television program or other media resulting from field work under this permit.
12. All surface disturbance shall be restored and the area returned as near to original condition as is feasible. Disturbed areas shall be kept to a minimum size.

13. Access to the field area is authorized only across BLM-administered lands. Use of private lands or lands administered by another agency must be secured separately.

14. Field schedules must be coordinated with the Field Office Manager or a designated representative in advance of field work. Field Office signature must be obtained at the beginning of each field season prior to beginning work.

15. A report of all activities conducted under this permit shall be submitted by December 31 of each year during the tenure of the permit to the BLM Wyoming State Office, with a copy to the appropriate Field Offices. The report shall include those items listed in the attached section of H-8270-1, Chapter IV, Permitting.

16. A copy of this permit must be carried by an individual in direct charge of field work during the course of all work conducted under permit.

17. If any evidence of archaeological, historical, or Native American resources are encountered during the course of testing or excavation, permittee shall cease work in that location and immediately notify the Field Office Manager. Field work in that location shall not resume until the Field Office Manager has given permission. The permittee is responsible for informing all persons associated with this project that they may be subject to prosecution for knowingly damaging, altering, excavating or removing any archaeological or historical objects or sites.

18. Pursuant to NAGPRA regulations set forth at 43 CFR 10.4(a-g), the permittee must notify the appropriate Field Office Manager immediately by telephone upon the discovery of human remains, funerary objects, sacred objects or objects of cultural patrimony, with a written confirmation of the discovery. All work in the vicinity of the discovered remains must cease, and reasonable efforts made to protect the remains pending BLM action. Activities may resume within 30 days of receipt of the written confirmation of notification unless the situation is resolved sooner.

19. If areas or locations of religious or cultural concern to Native Americans are subsequently identified in the permit area, the permittee will be notified in writing by the Field Office Manager, and will include any required restrictions.

20. Special management areas may be present in the area covered by this permit. Yearly or seasonal restrictions may also be in effect. Additional restrictions on activities may be necessary that are not identified in this permit. Please contact the local Field Office for details.

We ask all public land users to integrate the precepts of Leave No Trace: An Outdoor Ethic with their activities (www.lnt.org).